

Testimony of
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Before the
U.S. House of Representatives Committee on Natural Resources
Subcommittee on Public Lands and Environmental Regulation
Oversight Hearing on
Threats, Intimidation and Bullying by Federal Land Management Agencies, Part II

On July 24, 2014

Mr. Chairman and members of the committee, thank you for allowing me to tell you what is going on in New Mexico at the hands of the U.S. Forest Service and the U.S. Fish & Wildlife Service.

My name is Michael Lucero, I was born and raised in New Mexico. I am an allotment owner in the Santa Fe National Forest, as is my father. I currently serve on two boards; the Jemez Valley School Board of Education and the Union Board at work.

My family and I ranch on the Santa Fe National Forest, and have for many generations. My Great Grandfather started off on foot with 1000 head of sheep when the Forest Service was not even in existence. This was then passed down to my grandparents, then to my father.

Our allotment originally started as the San Diego Land Grant which eventually was taken by the government and became Forest Service land. Land grants were issued to settlers by the king of Spain when the land was part of Mexico. The land was taken from us to create the bureaucracy in place today. Now that government is driving us completely from the land.

We feel that the government has taken away and are still trying to take away what is rightfully ours, from our grazing rights to our water rights. It seems that every year it gets more difficult to continue with our way of life and keep our heritage alive as the government is continually putting obstacles in our path.

My mother's family was driven out of the logging business when the Spotted Owl became an endangered species. They left the valley that they grew up in to find work elsewhere.

Since the drought took over New Mexico, the Forest Service has used the "drought" to reduce our herd numbers. We always did as we were asked and cut our herds. Even though we cut our

numbers for a particular year, we still paid the full payment due for the permit. When we looked at the drought maps and the formula they were using with the Forest Service, we were able to prove to them that their formula was incorrect. We were then allowed to come in with full numbers for our herds. Now that that issue has been resolved, here we are again with another issue, an endangered species threatening to shut us down.

Two years ago in 2011, our range conservationist gave us a handout which talked about the New Mexico Meadow Jumping Mouse. In that meeting he stated that if it was listed, that it would be the end of grazing on Forest Service Lands.

This mouse hibernates about nine months a year and requires a 24 inch stubble height of dense grass. If we were not already providing the appropriate conditions, how can they mouse be there?

Another puzzling fact is that the mouse can apparently detect property lines. The proposed critical habitat goes right to the fence line to the Valles Caldera National Preserve and stops.

That was all we heard on the issue until the fall of 2013. The comment period in the Federal Register would open and the Forest Service told us how important it was to comment. That being said we did make comments when the notice was posted in the Federal Register. We then were called into another meeting with the Forest Service where they told us that they had no control over what was going happen if it was listed.

The local ranchers had many questions about the New Mexico Meadow Jumping Mouse, like where it was found. How many were found? What would be done to protect it and where it would be done? The Forest Service had no answers about the mouse. They told us that the Fish & Wildlife Service made all those decisions.

We then asked the Forest Service to call a meeting with the Forest Service and the Fish & Wildlife Service. In that meeting the Fish & Wildlife Service told us that the listing of the mouse would not affect grazing and that the Fish & Wildlife Service had not told the Forest Service to put up fences of any kind; we were told that all the Fish & Wildlife Service does is list the species.

The Forest Service was present at this meeting. Eric Hines from the Fish & Wildlife Service told us that we would still have our opportunity to be involved in a Section 7 consultation. We asked the Forest Service about that and they had no clue what we were talking about. All this being said we have been in the dark since day one.

The science used to list the mouse is disputable. Why are there no lists of areas that were studied? And if there is a list, why was it not provided to us when we asked for it? In the meeting with the Forest Service, they stated that the only reason for the fence was to avoid being sued by the WildEarth Guardians.

Why is the Forest Service making these decisions that will affect the local economy, the ranching industry and the culture, and well being of rural communities? It appears that they are not taking into account the local comments on these issues based on a lawsuit by a non-governmental party.

Since when is America not a democratic country? Why is the federal government not giving every citizen its due process on issues that affect so many different aspects of their lives? In every meeting with the Forest Service, they are always telling us that we are closer to NO RANCHING ON FOREST SERVICE LANDS! When we asked how we can work out a compromise with the Forest Service on issues like this, the Forest Service personnel always answer, "It's not me, I was told that this is the way the upper staff wants it."

I personally asked about alternatives fencing us off water and then out of our pastures but always hit road blocks, such as, no money or more studies needed. But somehow there is now money to build fences? At about \$20 per linear foot, where did the money come from and why now, when we have been asking for alternatives for the past year. The expense of putting up this fence does not make sense since we only graze our cattle two months out of the year in these areas.

We were told in the meeting with the Forest Service and Fish & Wildlife Service that nothing would be done without first the NEPA process and a meeting with all of the ranchers and the Forest Service to come up with a plan together. Next thing we hear is that they are going to put up an eight foot fence spanning 117 acres to keep animals and humans out of the critical habitat for the mouse. That is just my allotment. There are 10 others who are being similarly affected. Seems that we skipped a couple of steps and their words are just empty promises. Moving forward like this is a clear picture of GOVERNMENT BULLYING. They tell us one thing and do the opposite. They are never truthful with us and we are living in constant fear of what comes next.

After the media got involved around the 4th of July camping season, the Forest Service changed their tune. They are now proposing a five foot fence covering the same area that may impact dispersed camping. Why are we told about an eight foot fence and two weeks later it becomes a five foot fence? Why are humans and wildlife, particularly elk, not harmful to the mouse?

The money being used to erect these fences is from taxpayers. That being said, it appears that the Forest Service is using my tax dollars to fence my family and numerous other families OUT OF BUSINESS! Tell me how that makes sense? Why would our concerns and comments not be heard, when we have been using these lands since it was our ancestors Land Grant?

Every time that there are compromises to be made, it is always us, the ranchers, who have to compromise on our end. We are told that if we do not compromise and agree with the decisions being made by the Forest Service that we risk losing our grazing allotments.

How are we supposed to work with the Forest Service when we all know that they do not listen to our concerns? We want to work with the Forest Service for the benefit of us all. It is in our best interest to take care of the land and help manage it properly. If we were not managing properly, then how is it that my family has been in business for over 100 years? It's because we love the land and our tradition and hope to pass it down for many generations to come.

I feel that Agriculture is very important to America, if you've seen the price of beef in the grocery stores lately, the more they cut herds the higher the price goes up for all American People.

I don't get how the environmental groups work with the Federal Government; what gives them so much power that they dictate what the Federal Government does with other people that use government lands? If you look at the WildEarth Guardians website, it states exactly what the US Forest Service is going to do.

They want to protect one endangered species and do everything in their power to get it done, they don't take into consideration that land management is so important for example: the Spotted Owl that was listed years ago. Many people (most of my family) from the logging industry lost their jobs which caused them to move out of the area to find work.

Through the years, now from the lack of managing the land correctly the Santa Fe National Forest is overgrown and we have had several forest fires with so much fuel they are out of control and the American Tax Payers spend so much more money on these forest fires than they would have if the land was managed properly. People would still have jobs. The Spotted Owl would not have a burned forest and not only that species, but all the other listed species on the Endangered Species List. In the ecosystem how do you protect one species and through it off for the other endangered species?

Fencing off the river would dramatically affect our culture, economy, and our local community. Our local community businesses thrive on the business generated by ranchers, campers, fishermen, hunters and hikers. If we fence off all of the proposed rivers, it would have a detrimental effect on these local businesses.

I don't understand how people from other states get jobs at these federal agencies that don't understand the way you manage a ranch in New Mexico. The way we manage a ranch in Northern New Mexico is completely different than you would manage a ranch in a place like Wyoming or Montana.

The ranchers in this area don't have a lot of money; there are not a lot of big cattle operations like everyone thinks they are. I bought my own cattle and allotments and I bought it for a reason. It was an investment to put my two kids through college and so I could have something to hand over to my children that they have known their whole lives. My father inherited his small operation from my Grandpa, which helps pay for my elderly Grandmother's care: medical insurance, daily caretaker, and anything she may need. Because of these cows, grandma is not in a state paid or federal paid nursing home. This is how we take care of her, it's how our community works; this is a part of what we do as a ranching family and community.

It saddens me to sit in a meeting where the head Forest Ranger (Linda Riddle) is telling us "I could care less if they got rid of all the cows on the Forest that would make my job that much easier."

This statement coming from a federal government employee! Robert Trujillo, Deputy Director of the USFS stated in a local newspaper that he feels that the forest is overgrazed, however if the USFS was to pull the allotment management records, it would show that this is and never has been the case. The areas used by the ranchers are NOT OVERGRAZED! We have never been in violation of the federal regulations governing ranching.

The opposite is true for the Forest Service personnel because they are not following the federal regulation that says they are to protect the heritage and culture of ranching families that are allotment owners on the USFS. The federal regulation states that they are to always get input from the allotment owners when making decisions that would affect them.

Rumors are floating in our communities that the Forest Service is planning to use eminent domain to obtain private land that is within what is believed to be jumping mouse areas. We cannot document them, but this is the fear we are living under.

The government and environmental groups are making it almost impossible for us to do what we love (our culture/heritage). In my opinion cattlemen are the care takers of the land, if it wasn't for cattle grazing these lands we wouldn't have an environment for a jumping mouse or most other creatures. We are the ones who manage the lands and wildlife also benefit from our watering systems.

The media has accurately shown how our land looks. This is how we have taken care of this land, a part of our culture is an understanding that you have to take care of the land, in order for the land to take care of you.

We are trying to do the right thing, but what we see for doing the right thing is we better go along with this or you are going to lose your permits! Ultimately the government is losing its caretaker, because that's what we do.

Thank you for your time. We pray that you can help us.

Timeline on New Mexico Meadow Jumping Mouse

- February 27, 2014- Official meeting about the NMNJM, the Forest Service told us they were going to start the NEPA process
- March 4, 2014- The Forest Service told us NO NEPA; Forest Service talked about the fence and taking 300 feet on each side of the river
- March 28, 2014- Forest Service sent letter on mouse fencing
- April 2, 2014- We called a meeting with the Forest Service to ask questions
- April 8, 2014- Meeting with the Forest Service; we looked at other options, but no money
- April 9, 2014- Meeting in El Rito NM with Cal Joyner; NO ANSWERS
- April 25, 2014- Meeting with the Forest Service and Fish and Wildlife Service
- May 9, 2014- Forest Service sends letter retracting the March 28, 2014 letter
- June 25, 2014- Meeting with the Forest Service; they showed us a map of fencing areas and they told us about categorical exclusion
- July 2, 2014- Forest Service and Fish & Wildlife cancelled meeting
- July 10, 2014- Received comment notices from Forest Service